

MONTANA LEGISLATIVE HISTORY

Chapter 534 ~~19~~ 2001

Bill H 589 S _____ Original bill & history ☒ c

H. Committee on BUSINESS & LABOR S. Committee on LOCAL GOV'T

Hearing Date(s) 2/16 X c Hearing Date(s) 3/22 X c

EXEC. ACTION 2/19 X c EXEC ACTION 3/27 X c

_____ c _____ c

_____ c _____ c

Date Out _____ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

LEGISLATIVE HISTORIES SINCE 1997

The scope and depth of legislative committee minutes varies by year and by committee. If you would like additional information about a hearing, you may want to determine whether the hearing was recorded. In addition, some recent floor debates were also recorded. For information on accessing or purchasing these recordings, contact the Historical Society Archives at 406-444-4774.

If you have concerns regarding the format of the enclosed committee minutes or the recordings of the hearings, it is suggested that you contact your state legislators.

1
2 INTRODUCED BY Jim [Signature] ~~House~~ BILL NO. 589
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE EXEMPTIONS FROM THE SUBDIVISION AND
5 PLATTING ACT FOR CONDOMINIUMS; AND AMENDING SECTION 76-3-203, MCA."

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8
9 **Section 1.** Section 76-3-203, MCA, is amended to read:
10 **"76-3-203. Exemption for certain condominiums.** Condominiums constructed on land divided in
11 compliance with this chapter are exempt from the provisions of this chapter if:
12 . (1) the approval of the original division of land expressly contemplated the construction of the
13 condominiums and any applicable park dedication requirements in 76-3-621 are complied with; or
14 (2) the condominium proposal is in conformance with applicable local zoning regulations."

15 - END -

Bill Draft Number: LC1644**Bill Type - Number:** HB 589**Short Title:** Revise subdivision exemption for condominiums**Primary Sponsor:** Tom Facey

Bill Actions - Current Bill Progress: Became Law**Bill Action Count:** 54

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	05/01/2001			
(H) Signed by Governor	05/01/2001			
(H) Transmitted to Governor	04/21/2001			
(S) Signed by President	04/21/2001			
(H) Signed by Speaker	04/19/2001			
(H) Returned from Enrolling	04/18/2001			
(C) Sent to Printing	04/17/2001			
(H) Sent to Enrolling	04/17/2001			
(H) 3rd Reading Passed as Amended by Senate	04/17/2001	75	25	
(H) 2nd Reading Senate Amendments Concurred	04/16/2001	90	10	
(H) Scheduled for 2nd Reading	04/16/2001			
(S) Returned to House with Amendments	03/31/2001			
(S) 3rd Reading Concurred	03/31/2001	46	2	
(S) 2nd Reading Concurred on Voice Vote	03/30/2001	48	1	
(S) Scheduled for 2nd Reading	03/30/2001			
(S) Committee Report--Bill Concurred as Amended	03/29/2001			(S) Local Government
(C) Sent to Printing	03/29/2001			
(S) Committee Executive Action--Bill Concurred as Amended	03/29/2001	9	2	(S) Local Government
(S) Hearing	03/22/2001			(S) Local Government
(S) Referred to Committee	03/01/2001			(S) Local Government
(S) First Reading	03/01/2001			
(H) Transmitted to Senate	02/23/2001			
(H) 3rd Reading Passed	02/23/2001	52	48	
(H) Scheduled for 3rd Reading	02/23/2001			
(H) 2nd Reading Passed	02/22/2001	53	47	
(H) Scheduled for 2nd Reading	02/22/2001			
(H) Committee Report--Bill Passed	02/20/2001			(H) Business and

			Labor
(H) Committee Executive Action--Bill Passed	02/20/2001	13	6 (H) Business and Labor
(C) Introduced Bill Text Available Electronically	02/18/2001		
(H) Hearing	02/16/2001		(H) Business and Labor
(H) Referred to Committee	02/14/2001		(H) Business and Labor
(H) First Reading	02/14/2001		
(H) Introduced	02/14/2001		
(C) Draft Delivered to Requester	02/13/2001		
(C) Draft Ready for Delivery	02/13/2001		
(C) Draft in Assembly/Executive Director Review	02/13/2001		
(C) Draft in Final Drafter Review	02/13/2001		
(C) Draft in Input/Proofing	02/13/2001		
(C) Draft to Drafter - Edit Review [SAB]	02/13/2001		
(C) Draft in Edit	02/13/2001		
(C) Draft in Legal Review	02/13/2001		
(C) Draft Back for Redo	02/13/2001		
(C) Draft Taken by Drafter	02/13/2001		
(C) Draft Ready for Delivery	02/13/2001		
(C) Draft in Assembly/Executive Director Review	02/13/2001		
(C) Draft in Final Drafter Review	02/12/2001		
(C) Bill Draft Text Available Electronically	02/12/2001		
(C) Draft in Input/Proofing	02/12/2001		
(C) Draft to Drafter - Edit Review [SAB]	02/12/2001		
(C) Draft in Edit	02/12/2001		
(C) Draft in Legal Review	02/12/2001		
(C) Draft to Requester for Review	02/10/2001		
(C) Draft On Hold	02/08/2001		
(C) Draft Request Received	01/13/2001		

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name Mi
Requester	Facey	Tom
Drafter	Vandenbosch	Mary
Primary Sponsor	Facey	Tom

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Local Government (see also: City Subjects; County Subjects)		Simple	LG
Planning and Development		Simple	PLDV
Property		Simple	PROP

Additional Bill Information

Probable Fiscal Note: No
Preintroduction Required: N
Session Law Ch. Number: 534

DEADLINE

Category: General Bills

Transmittal Date: 02/23/2001

Return (with 2nd house amendments) Date: 03/31/2001

Section Effective Dates

Section(s) Effective Date Date Qualified

All Sections 01-OCT-01

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN JOE MCKENNEY**, on February 16, 2001 at 8:00 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Joe McKenney, Chairman (R)
Rep. Rod Bitney, Vice Chairman (R)
Rep. Gary Matthews, Vice Chairman (D)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Kathleen Galvin-Halcro (D)
Rep. Dennis Himmelberger (R)
Rep. Carol C. Juneau (D)
Rep. Jim Keane (D)
Rep. Rick Laible (R)
Rep. Bob Lawson (R)
Rep. John Musgrove (D)
Rep. William Price (R)
Rep. Allen Rome (R)
Rep. Donald Steinbeisser (R)
Rep. Brett Tramelli (D)
Rep. James Whitaker (R)

Members Excused: Rep. Roy Brown (R)
Rep. Nancy Fritz (D)
Rep. Dave Gallik (D)

Members Absent: None.

Staff Present: Gordon Higgins, Legislative Branch
Jane Nofsinger, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB28, HB564, HB574, HB587,
HB589, 2/12/2001
Executive Action: None

REP. BOOKOUT-REINICKE asked **Ms. Buckley** to explain some of the problems with recording titles. **Ms. Buckley** said people ask why the title was never filed. "Often we send the title to the individual, and they burn it with their mortgage," she said.

REP. BITNEY asked **Mr. Bennett** about cash sales or trust indenture, or maybe if they just wanted the deed recorded later for tax purposes. **Mr. Bennett** said it was most common for the seller to place their deed in escrow. He said the escrow agent handles the payment and then delivers it to the purchaser, purchaser's lawyer, or a financial institution. **REP. BITNEY** asked if there was a downside for the buyer. **Mr. Bennett** said the downside is for the buyer because it is to the seller's advantage to not have the deed recorded as they would still be the owner of the property.

Closing by Sponsor:

REP. GEORGE GOLIE noted 16 other states have this law. He called it a consumer bill, with special merit for the buyer. He asked the committee to move the bill forward. He added if they had a problem with the \$100 penalty, to "do something with it."

HEARING ON HB589

Sponsor: **REP. TOM FACEY, HD67, MISSOULA**

Proponents: **Mike Kadas, Mayor of Missoula**

Opponents: **None**

Opening Statement by Sponsor:

REP. TOM FACEY, HD67, MISSOULA, said this is an act revising the exemptions from the subdivision and platting act for condominiums.

Proponents' Testimony:

Mr. Kadas said they want to encourage home ownership. He said land costs are high and this will allow more units to a lot. He noted the problem was not as much with the law as with an opinion by the Attorney General. He said the situation arose due to Habitat for Humanity trying to use condo law to do duplexes on a single lot. He noted that Missoula is composed of 50% rental and

50% owned homes, and this would be a way to increase home ownership.

Opponents' Testimony: None

Questions from Committee Members and Responses:

REP. BITNEY asked Mr. Kadas how this would change the exemptions. He said it would affect the park dedication requirement.

Closing by Sponsor:

REP. FACEY said to build condominiums is a long drawn out review, and with this bill the process jumps over the review.

{Tape : 1; Side : B; Approx. Time Counter : 0}

HEARING ON HB564

Sponsor: REP. ALAN OLSON, HD8, WHEATLAND, MUSSELSHELL, YELLOWSTONE

Proponents: Geoff Feiss, Montana Telecommunications Assn.
Bob Rowe, Public Service Commission
Mike Strand, Montana Extended Telecommunications Sys.
Russ Cravens, Quest Communications
Joan Mandeville, Blackfoot Cooperative
Becky Berger, Touch America

Opponents: Chuck Evilsizer, attorney for Ronan Telephone Co.

Opening Statement by Sponsor:

REP. ALAN OLSON, HD8, WHEATLAND, MUSSELSHELL, YELLOWSTONE, said this law revises the Universal Service Telecommunications Law. It provides the Public Service Commission permission to investigate the need for a universal service fund and the authority to establish this fund.

Proponents' Testimony:

Mr. Feiss presented written testimony. EXHIBIT(buh39a02)

{Tape : 1; Side : B; Approx. Time Counter : 15.6}

HOUSE OF REPRESENTATIVES
ROLL CALL

HOUSE BUSINESS AND LABOR COMMITTEE

DATE Feb. 16th, 2001

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Rep. Joe McKenney	✓		
Rep. Gary Matthews	✓		
Rep. Roy Brown			✓
Rep. Kathleen Galvin-Halcro	✓		
Rep. Carol Juneau	✓		
Rep. Rick Laible	✓		
Rep. John Musgrove	✓		
Rep. Nancy Rice-Fritz	.		✓
Rep. Don Steinbeisser	✓		
Rep. Jim Whitaker	✓		
Rep. Rod Bitney	✓		
Rep. Sylvia Bookout-Reinicke	✓		
Rep. Dave Gallik			✓
Rep. Dennis Himmelberger	✓		
Rep. Jim Keane	✓		
Rep. Bob Lawson	✓		
Rep. Bill Price	✓		
Rep. Brett Tramelli	✓		
Rep. Allen Rome	✓		

MONTANA HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business and Labor Committee

DATE Feb. 16, 2001

BILL NO. HB 589

SPONSOR(S) Rep Jacey

TYPE
PROPONENT (P) OPPONENT (O) INFORMATIONAL (I)

PLEASE PRINT

PLEASE
CIRCLE

NAME

ADDRESS

REPRESENTING

☒ POI	<u>Mr. Kedar</u>	<u>Missoula</u>	<u>City of Missoula</u>
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Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony

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MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN JOE MCKENNEY**, on February 19, 2001 at 7:00 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Joe McKenney, Chairman (R)
Rep. Rod Bitney, Vice Chairman (R)
Rep. Gary Matthews, Vice Chairman (D)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Roy Brown (R)
Rep. Nancy Fritz (D)
Rep. Dave Gallik (D)
Rep. Kathleen Galvin-Halcro (D)
Rep. Dennis Himmelberger (R)
Rep. Carol C. Juneau (D)
Rep. Jim Keane (D)
Rep. Rick Laible (R)
Rep. Bob Lawson (R)
Rep. John Musgrove (D)
Rep. William Price (R)
Rep. Allen Rome (R)
Rep. Donald Steinbeisser (R)
Rep. Brett Tramelli (D)
Rep. James Whitaker (R)

Members Excused: None.

Members Absent: None.

Staff Present: Gordon Higgins, Legislative Branch
Jane Nofsinger, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: None
Executive Action: HB589, HB587, HB592, HB594,
HB596, HB597, HB530, HB514

EXECUTIVE ACTION ON HB587

Motion: REP. LAIBLE moved HB587.

Discussion:

Motion/Vote: REP. LAIBLE moved that HB587 BE AMENDED. Motion carried 18-1 with Musgrove voting no.

Discussion:

Motion: REP. LAIBLE moved that HB597 DO PASS AS AMENDED.

Discussion:

REP. MUSGROVE said he thought this bill was a manifesto by an angry person. He said he would stay with the status quo.

REP. GALLIK said he opposed the bill for a myriad of reasons. He said it was an unfunded mandate, a tax increase, and a loss of local control.

REP. BOOKOUT-REINICKE said she was in favor of the bill because it put an impact fee on the developer and raised the price of the house. She said that way the city gets a double payment.

REP. GALVIN-HALCRO said development does have a huge impact on an area. She noted she had no water pressure at her house because of the subdivision behind her house.

REP. LAIBLE said this was not an unfunded mandate, it just required the county to list what the costs are in writing and say what the impact fees are for.

Vote: Motion carried 10-9 with Fritz, Gallik, Galvin-Halcro, Juneau, Keane, Lawson, Matthews, Musgrove, and Tramelli voting no.

EXECUTIVE ACTION ON HB589

Motion: REP. BOOKOUT-REINICKE moved that HB589 DO PASS.

Discussion:

REP. BOOKOUT-REINICKE said this bill is for a developer who wants to turn some apartments into condominiums.

REP. LAIBLE said since the City of Missoula is in favor of it, he thought they were trying to get low-cost housing and were running into trouble with their own rules.

REP. BOOKOUT-REINICKE agreed but said these were not their rules, they were state rules. She said the families were already living there and the city wanted to encourage pride of ownership.

REP. FRITZ said she knew Missoula had some apartments it was trying to get rid of.

Vote: Motion carried 13-6 with Bitney, Himmelberger, Laible, Lawson, Steinbeisser, Whitaker voting no.

EXECUTIVE ACTION ON HB530

Motion: **REP. BITNEY** moved that HB530 BE taken off the TABLE.

Discussion:

REP. BITNEY said he felt there was some confusion on the bill the other night when it was voted on. He said the bill simply allows the complainant to request a new hearing officer.

{Tape : 2; Side : B; Approx. Time Counter : 0}

REP. GALLIK said he thought they should leave it on the table. He said he thought the Human Rights Commission had been working just fine.

REP. JUNEAU said the time line would be increased substantially. She said if people have been fired they do not have the money. The process with the Human Rights Commission is quicker and less costly, she said. She said, "We should leave the bill where it is."

REP. LAIBLE said he was in support of the bill the other day and still was. He said he didn't think it hurt either party, but instead gave more flexibility to the process.

HOUSE OF REPRESENTATIVES
ROLL CALL

HOUSE BUSINESS AND LABOR COMMITTEE

DATE Feb. 19, 2001

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Rep. Joe McKenney	✓		
Rep. Gary Matthews	✓		
Rep. Roy Brown	✓		
Rep. Kathleen Galvin-Halcro			✓
Rep. Carol Juneau			✓
Rep. Rick Laible	✓		
Rep. John Musgrove	✓		
Rep. Nancy Rice-Fritz	✓		
Rep. Don Steinbeisser	✓		
Rep. Jim Whitaker	✓		
Rep. Rod Bitney	✓		
Rep. Sylvia Bookout-Reinicke			✓
Rep. Dave Gallik	✓		
Rep. Dennis Himmelberger	✓		
Rep. Jim Keane	✓		
Rep. Bob Lawson	✓		
Rep. Bill Price	✓		
Rep. Brett Tramelli	✓		
Rep. Allen Rome	✓		

HOUSE OF REPRESENTATIVES
ROLL CALL

HOUSE BUSINESS AND LABOR COMMITTEE

DATE Feb 19, 2001 7:00 p.m. 127th Act.

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Rep. Joe McKenney	✓		
Rep. Gary Matthews	✓		
Rep. Roy Brown	✓		
Rep. Kathleen Galvin-Halcro	✓		
Rep. Carol Juneau	✓		
Rep. Rick Laible	✓		
Rep. John Musgrove	✓		
Rep. Nancy Rice-Fritz	✓		
Rep. Don Steinbeisser	✓		
Rep. Jim Whitaker	✓		
Rep. Rod Bitney	✓		
Rep. Sylvia Bookout-Reinicke	✓		
Rep. Dave Gallik	✓		
Rep. Dennis Himmelberger	✓		
Rep. Jim Keane	✓		
Rep. Bob Lawson	✓		
Rep. Bill Price	✓		
Rep. Brett Tramelli	✓		
Rep. Allen Rome	✓		



HOUSE STANDING COMMITTEE REPORT

February 19, 2001

Page 1 of 1

Mr. Speaker:

We, your committee on **Business and Labor** recommend that **House Bill 589** (first reading copy - white) do pass.

Signed: _____

Joe McKenney
Representative Joe McKenney, Chair

- END -

Committee Vote:
Yes 13, No 6.

410937SC.hdc

250
9:50
2/20

House of Representatives

Roll Call Vote

BUSINESS & LABOR COMMITTEE

DATE 2-19-01 Bill NO. HB 589 NUMBER 13-6 (PASS)MOTION: REP BOOKOUT-REINICKE MOVE DO PASS

Name	AYE	NO
Rod Bitney, V.C., Majority (R)		✓
Gary Matthews, V.C., Minority (D)	✓	
Roy Brown (R)	✓	
Dave Gallik (D)	✓	
Kathleen Galvin-Halcro (D)	✓	
Dennis Himmelberger (R)		✓
Carol Juneau (D)	✓	
Jim Keane (D)	✓	
Rick Laible (R)		✓
Bob Lawson (R)		✓
Nancy Rice-Fritz (D)	✓	
John Musgrove (D)	✓	
Bill Price (R)	✓	
Sylvia Bookout-Reinicke (R)	✓	
Allen Rome (R)	✓	
Don Steinbeisser (R)		✓
Brett Tramelli (D)	✓	
Jim Whitaker (R)		✓
Joe McKenney (R) Chairman	✓	
Count	13	6

MINUTES

**MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON LOCAL GOVERNMENT**

Call to Order: By **CHAIRMAN DALE MAHLUM**, on March 22, 2001 at
3:00 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Dale Mahlum, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Jim Elliott (D)
Sen. Bill Glaser (R)
Sen. Duane Grimes (R)
Sen. Don Hargrove (R)
Sen. Emily Stonington (D)
Sen. Ken Toole (D)

Members Excused: Sen. Chris Christiaens (D)
Sen. John Cobb (R)
Sen. Ken Miller (R)

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 190, 3/2/2001
HB 334, 3/2/2001
HB 382, 3/2/2001
HB 589, 3/2/2001

Executive Action: HJR 31 BCAA
HB 190 BC
HB 334 BCAA

{Tape : 1; Side : A; Approx. Time Counter : 0}

Motion/Vote: SEN. HARGROVE moved that HB 334 BE AMENDED EXHIBIT(los65a08). Motion carried 8-0.

Motion/Vote: SEN. STONINGTON moved that HB 334 BE CONCURRED IN AS AMENDED. Motion carried 8-0. Sen. Walter McNutt will carry the bill.

Senators Christiaens, Cobb and Miller were not available to vote.

{Tape : 3; Side : A; Approx. Time Counter : 0}

HEARING ON HB 589

Sponsor: REP. TOM FACEY, HD 67, MISSOULA

Proponents: Jim Nugent, City of Missoula

Opponents: None

Opening Statement by Sponsor:

REP. TOM FACEY, HD 67, MISSOULA. The issues were local regulations of subdivisions. The part that would be amended is Section 76-3-203 pertaining to exemption for certain condominiums. Condominiums constructed on land divided in compliance with this chapter are exempt from the provisions of this if (1) the approval of the original division of land expressly contemplated the construction of the condominiums and any applicable park dedication requirements in 76-3-621 are complied with; or (2) the condominium proposal is in conformance with applicable local zoning regulations.

If a person owned a shopping center and after 20 years wanted to turn it into condominiums, he would have to go through a subdivision review as the law states now. REP. FACEY did not think that was necessary because the store is there, the parking, the street and all is there. Basically it is a transaction on paper. The law is unclear and would require a subdivision review. The same would be true for residential apartments if the owner wanted to turn the apartments into condominiums. This bill would make it clear that they would not have to go through the subdivision review.

Proponents' Testimony:

Jim Nugent, City Attorney, Missoula. This bill was requested by Missoula. He reiterated the opening statement. There is a series of attorney general opinions that grapple with

condominiums and how to deal with them. In 1993, the attorney general indicated that condominiums or subdivisions were not exempt under 76-3-204. Where there is extensive remodeling going on, this bill would allow conversions of existing buildings to proceed without going through a subdivision review which takes three to four months.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. JOHN BOHLINGER wondered what the dollar savings would be. **Mr. Nugent** speculated the amount might be several thousand dollars.

SEN. DUANE GRIMES commented that he had done a minor subdivision and he still has one parcel for rental units. If he were to divide those up he would have more than a minor subdivision. Would this bill allow him to skirt the subdivision review process and then have 12 potential units to sell. The current law states that he would have to go through a major rather than a minor subdivision review. **Mr. Nugent** responded there is one Attorney General opinion that says since you had plotted your land prior to the Montana Subdivision Planning Act, this bill would not help you. In Subsection (2), if you had already established that piece of land within the city and it was already being served with services, there would be no point in going through a subdivision review. They discussed several different scenarios.

SEN. KEN TOOLE asked about an old warehouse down on Toole by the railroad tracks. If someone wanted to turn that building into condominiums, would this law apply to that situation. **Mr. Nugent** said according to the Attorney General's opinion, one would have to go through subdivision review because that building had predated the subdivision review law.

SEN. TOOLE asked wouldn't the city want a subdivision review if there were a dramatic change in the use of a building. Some changes could alter the neighborhood drastically. **Mr. Nugent** replied that issue is already addressed in statute. But if one is not zoned, one could not use Subsection (2).

Closing by Sponsor:

REP. FACEY closed.

MONTANA SENATE
2001 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE

ROLL CALL

DATE _____

3-22-0

[illegible]

DATE

3-22-01

SENATE COMMITTEE ON

Local Government

BILLS BEING HEARD TODAY:

HB 382 HB 190

HB 334 HB 589

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
THOMAS HARDEN	522-0548	SELF / MPA	382		✓
Kelvin Dorman	325-2889	City of Hamilton	334	✓	
Mayor Bill Miller	397-4542	City of Glendora	334	✓	
David Fowler	243-2908	MontPILG	382		—
Gloria Paladechi	443-0726	City of Glendora Richland Econ. Devel.	334	✓	
Marion Youngman	587-5704	City of Bozeman - Mayor	382		✓
M.L. 'BUCK' BUCKOLF	587-5009	P.O. BOX 3112 BOZEMAN MT 59712	382		✓
Annmarie Robinson	265-1359	North Central MT Reg. Aff. Adm.	190	✓	
Cheryl Fairbairn	586-1239	416 W Olive, Bozeman, MT 59715	382		✓
Ashley Greene	582-2364	Self	382		✓
Mark Rehbein	774-3328	Richland County NEWS + Dry Milling	334	✓	
Steve Wade	443-6820		HB 109	✓	
Jim Edgcomb	444-5284	DEPT OF COMMERCE	HB 190		

Ronda Carpenter

590-5051 Mt Housing Providers

HB 382

K

VISITOR REGISTER

Jim Nugent

523-4613 City of Missoula

HB 382

1015

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

Jim Nugent

523-4613 City of Missoula

HB 589

HB 334

HB 382

HB 334

HB 334

Joe Mazzuca

452-2000 City of

HB 334

HB 382

HB 334

Mark F. Nelson

883-7326 Lake County

HB 334

HB 334

DATE

3-22-01

SENATE COMMITTEE ON

Local Government

BILLS BEING HEARD TODAY:

HB 190 HB 382

HB 334 HB 589

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Pickney LINAFECT-A	452-8276	SELF & Mt. LANDLORD ASS.	#382	X	
Ron Alles	447-8311	Lewis & Clark CO	# HB334	✓	
VERN L. FISCHER	453-2918	SELF	HB382	X	
GLADYS V. WILLIAMS	452-0287	SELF	HB382	X	
Tara B. Eddy	222-6606	SELF	HB382	X	
Laf Eddy	222-6606	SELF	HB382	X	
Ken Manning	755-4926	MLA	HB382	X	
Paul V. Thompson	752-4179	MONTANA LANDLORDS ASSOC.	HB382	X	
from Messore	683-4013	" " "	HB382	X	
Harriet Chambers	683-2727	" " "	HB382	X	
Dyane Berch	543-7653	Missoula County REALTORS	"	X	
Corby M. Wash	586-5656	BOZEMAN, CITY	"		X
Todd L. Erdman	522-8815	Bozeman, Mt	HB382		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 3-22-01

SENATE COMMITTEE ON Local Government

BILLS BEING HEARD TODAY: HB 382, HB 190

HB 334, HB 589

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
William Dushoff		Fallon Co	HB334	✓	
MARY ALLEN	443-7531	POWELL COUNTY	HB334	✓	
John Tobbs	6687	DWORE	190	✓	
Jane Jelinski	442-5209	MACo	HB190	X	
			HB334	X	
Anna Miller	444-6689	MT Dept of Nat. Resources			

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

**MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON LOCAL GOVERNMENT**

Call to Order: By **CHAIRMAN DALE MAHLUM**, on March 27, 2001 at
3:00 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Dale Mahlum, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Chris Christiaens (D)
Sen. John Cobb (R)
Sen. Jim Elliott (D)
Sen. Bill Glaser (R)
Sen. Duane Grimes (R)
Sen. Don Hargrove (R)
Sen. Ken Miller (R)
Sen. Emily Stonington (D)
Sen. Ken Toole (D)

Members Excused: None.

Members Absent: None.

Staff Present: Leanne Kurtz, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 585, 3/13/2001

Executive Action: HB 345 BCAA
HB 382 BCAA
HB 409 BCAA
HB 589 BCAA

HB 585 TABLED
HB 30 RE-REFERRED

{Tape : 1; Side : A; Approx. Time Counter : 0}

SEN. DON HARGROVE inquired about the length of time the state takes to respond back to the local government. How is that being viewed now. **Ms. Sensibaugh** stated that was one of the things that had been resolved in SB 167. Previously, the state had re-reviewed all the counties' work. Senate Bill 167 does not require the state to re-review all this work. That will shorten the review time way down.

SEN. GRIMES felt that getting the state out of the whole process was not good. He asked if the effective date was dealt with in SB 167. The question was deferred to the Department's attorney.

Jim Madden, Attorney, DEQ stated the SB 167 has an effective date clause that says: the provisions of SB 167 will affect applications for subdivision review after that date of the bill.

There was one further modifier. The Dept. was asked to conduct certain rule-making activities. Applications will not be subject to those rule-makings.

Closing by Sponsor:

REP. FUCHS closed. He was somewhat dismayed at **Director Sensibaugh's** appearing as an opponent without giving him advanced notice. He did not appreciate that. He had met with her and they had gone over things that they felt were important in the bill. He had wanted to be sure that she could agree with the bill. He did not have any passion for the bill. If the committee should table the bill, he would appreciate the committee directing its attention to whom is responsible.

{The tape was turned off and the executive action on HB 585 was not recorded.}

EXECUTIVE ACTION ON HB 585

Motion/Vote: **SEN. GRIMES** moved that **HB 585 BE TABLED**. Motion carried 8-3 with Cobb, Mahlum, and Miller voting no.

{The tape was turned back on for the rest of the hearing.}

EXECUTIVE ACTION ON HB 589

CHAIRMAN DALE MAHLUM presented HB 589 for discussion.

Discussion:

SEN. GRIMES wanted to restrict this just to municipalities rather than rural areas. He assumed condominiums are only going to be in municipalities. He then remembered that Big Sky has condominiums. He further stated the concern he had was it could be an inadvertent way to get around the minor subdivision. He was willing to have someone respond to his concerns.

CHAIRMAN MAHLUM suggested "where there are applicable zones."

SEN. GRIMES said the way it was presented was in terms of municipality infrastructure already being in place such as streets, sewers, sidewalks, etc. There would be no need to go through a major subdivision review. However, in a rural setting, there could be a minor subdivision review and skirt the major subdivision review. He did not want that to happen.

Jane Jelinski, MACO responded she did not think that would happen. The language states one is only exempt if the approval of the original division of land expressly contemplated the construction of condos. Condominiums are required to go through sanitation reviews. That would be the major consideration. It would have to be in conformance with zoning laws.

CHAIRMAN MAHLUM said the sponsor had talked about shopping centers, etc. where they could sell off units of the shopping center and be turned into condos.

Ms. Jelinski said as she read the bill they would be exempt only if they were contemplated for the construction of condos.

SEN. GRIMES stated: In subsection 2, the condominium proposal is in conformance where there are applicable zoning regulations. That way they could not do this where there are not zoning regulations. Strike the word "with" on line 14 and insert "where local zoning regulations are in effect." He asked **Leanne Kurtz** to offer the correct wording. She said not to take the word "with" out.

Motion/Vote: **SEN. GRIMES** moved that **HB 589 BE AMENDED EXHIBIT(los69a05)**. Motion carried 9-2 with Cobb and Miller voting no.

SEN. KEN TOOLE spoke and asked that where the use of a building was being changed, does that mean there would be no review of that change in use. **SEN. GRIMES** answered that if a building is in a zone designated for manufacturing, they would have to go before the local zoning board and get an exception to put a condominium in the middle of a light manufacturing district. If it is in a district where multiple housing is allowed, that

building would be allowed to be used for that and there would not be the whole public hearing process. Where it had not been approved for prior zoning, they would then have to go through a hearing to get the exception.

Motion/Vote: SEN. GRIMES moved that HB 589 BE CONCURRED IN AS AMENDED. Motion carried 9-2 with Cobb and Miller voting no. Senator Grimes will carry the bill.

EXECUTIVE ACTION ON HB 345

Motion: SEN. HARGROVE moved that HB 345 BE AMENDED EXHIBIT(los69a06) HB034502.agp Printed on April 3, 2001 (10:28AM) .

Discussion:

SEN. HARGROVE explained his amendments. The county attorneys asked to be put into this bill and be part of the formula based on the county clerk and recorder. He offered to put the amendment in provided it would be agreeable with MT Assoc. of Counties (MACO). It seemed to solve the challenge that the committee had with SB '66.

SEN. CHRISTIAENS asked Kathy Seacat, Dept. of Justice to respond to his questions. As the amendments are sitting now, the salaries remain the same because of the notification that is needed by end of July if a part-time attorney would become a full time attorney. The salaries will not change during this current fiscal year. If there should be increases up to the \$50,000 per year level, all would be reviewed and approved by the local county commissioners. Kathy Seacat replied that, yes, the Dept. receives notice prior to finishing their budget. Whatever is in their budget for the next biennium is what the counties will live with.

SEN. CHRISTIAENS inquired how this would affect those counties who share county attorneys. Ms. Seacat informed him that there are two counties right now who share a county attorney. They have chosen, for the next biennium, to go their separate ways.

SEN. GRIMES stated that the committee did have the hearing on the county attorneys and the committee agreed that there were needs that should be addressed. He felt that SEN. HARGROVE'S amendments would establish a higher base salary rate for them. Were the county commissioners to have any authority over them?

Requested by Senator Duane Grimes

For the Senate Local Government Committee

Prepared by Leanne Kurtz

March 28, 2001 (10:25AM)

1. Page 1, line 14.

Following: "regulations"

Insert: "where local zoning regulations are in effect"

- END -

**MONTANA SENATE
2001 LEGISLATURE
LOCAL GOVERNMENT COMMITTEE**

ROLL CALL

DATE 3-27-01

[illegible]



SENATE STANDING COMMITTEE REPORT

March 28, 2001

Page 1 of 1

Mr. President:

We, your committee on Local Government recommend that House Bill 589 (third reading copy - blue) be concurred in as amended.

Signed: _____

A handwritten signature in cursive script, appearing to read "D. Mahlum", written over a horizontal line.

Senator Dale Mahlum, Chair

To be carried by Senator Duane Grimes

And, that such amendments read:

1. Page 1, line 14.

Following: "regulations"

Insert: "where local zoning regulations are in effect"

- END -

Committee Vote:

Yes 9, No 2.

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Handwritten initials, possibly "JH", in the bottom right corner of the page.